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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Fifth Committee

Rapporteur: Ms. Katja **Pehrman** (Finland)

I. Introduction

1. At its 17th plenary meeting, on 20 September 2005, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixtieth session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 34th and 36th meetings, on 20 and 23 December 2005. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/60/SR.34 and 36).

3. For its consideration of the item, the Committee had before it the following documents:

* Reissued for technical reasons.

05-65536* (E) 040106

(a) Report of the Secretary-General on the budget for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2006-2007 (A/60/265);

(b) Report of the Secretary-General on staff retention and legacy issues (A/60/436);

(c) Second performance report of the Secretary-General on the International Criminal Tribunal for Rwanda for the biennium 2004-2005 (A/60/573);

(d) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/60/591).

II. Consideration of draft resolutions A/C.5/60/L.15 and A/C.5/60/L.18

4. At its 36th meeting, on 23 December, the Committee had before it two draft resolutions, entitled "Second performance report for the biennium 2004-2005 on the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/60/L.15) and "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/60/L.18), which were submitted by the representative of Ireland on behalf of the Chairman on the basis of informal consultations.

5. At the same meeting, the Committee adopted draft resolutions A/C.5/60/L.15 and A/C.5/60/L.18 without a vote (see para. 6).

III. Recommendations of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Second performance report for the biennium 2004-2005 on the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered the second performance report of the Secretary-General for the biennium 2004-2005 on the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Tribunal for Rwanda and its subsequent resolutions thereon, the latest of which were resolutions 58/253 of 23 December 2003 and 59/273 of 23 December 2004,

1. *Takes note* of the second performance report of the Secretary-General for the biennium 2004-2005 on the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions;[2]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[2]

3. *Resolves* that, for the biennium 2004-2005, the amount of 255,909,500 United States dollars gross (231,506,500 dollars net) approved in its resolution 59/273 for the budget of the International Criminal Tribunal for Rwanda shall be adjusted by the amount of 3,307,300 dollars gross (3,875,900 dollars net) for a total amount of 252,602,200 dollars gross (227,630,600 dollars net).

[1] A/60/573.
[2] A/60/591.

Draft resolution II

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered the reports of the Secretary-General on the financing for the biennium 2006-2007 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[1] on staff retention and legacy issues[2] and on the revised estimates arising from the effect of changes in rates of exchange and inflation,[3]

Having also considered the related reports of the Advisory Committee on Administrative and Budgetary Questions,[4]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Tribunal for Rwanda and its subsequent resolutions thereon, the latest of which were resolutions 58/253 of 23 December 2003 and 59/273 of 23 December 2004,

1. *Takes note* of the reports of the Secretary-General on the financing for the biennium 2006-2007 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[1] on staff retention and legacy issues[2] and on the revised estimates arising from the effect of changes in rates of exchange and inflation;[3]

2. *Endorses* the conclusions and recommendations contained in the related reports of the Advisory Committee on Administrative and Budgetary Questions;[4]

3. *Decides* to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, a total amount of 269,758,400 United States

[1] A/60/265.
[2] A/60/436.
[3] A/60/600.
[4] A/60/591 and A/60/7/Add.32.

dollars gross (246,890,000 dollars net) for 2006-2007, as detailed in the annex to the present resolution;

4. *Decides also* that the total assessment for 2006 under the Special Account would amount to 134,879,200 dollars gross, being half of the estimated appropriation for the biennium 2006-2007;

5. *Decides further* to apportion the amount of 67,439,600 dollars gross (61,722,500 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2006, as set out in its resolution 58/1 B of 23 December 2003;

6. *Decides* to apportion the amount of 67,439,600 dollars gross (61,722,500 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2006;

7. *Decides also* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 5 and 6 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 11,434,200 dollars approved for the International Criminal Tribunal for Rwanda for 2006;

8. *Decides further* that the provisions for the application of credits under regulations 3.2 (d), 5.3 and 5.4 of the Financial Regulations of the United Nations[5] shall be suspended in respect of the amount of 3,307,300 dollars gross (3,875,900 dollars net), which otherwise would have to be surrendered pursuant to those provisions;

9. *Welcomes* the continued efforts of the Tribunal, in accordance with its statute, to assist the Government of Rwanda in strengthening its judiciary, and requests the Tribunal to increase its capacity-building efforts for the judiciary of Rwanda, including through recruitment, training and attachment programmes for Rwandan jurists, advocates and human rights practitioners, in view of the intention to transfer cases for prosecution to Rwanda;

10. *Reiterates* the importance of carrying out an effective outreach programme within the overall mandate of the Tribunal and its completion strategy, and requests the Tribunal, in accordance with its mandate and in consultation with the Department for Public Information, to develop and implement outreach programmes that are proactive, utilizing available resources optimally, and that contribute to the reconciliation process by effectively developing an increased understanding of its work among Rwandans.

[5] ST/SGB/2003/7.

Annex

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	(United States dollars)	
Estimated appropriation for the biennium 2006-2007	284 273 200	258 898 800
Revised estimates: effect of changes in rates of exchange and inflation	(14 514 800)	(12 008 800)
Reductions made by the Advisory Committee on Administrative and Budgetary Questions	—	—
Reductions proposed by the Fifth Committee	—	—
Estimated initial appropriation for the biennium 2006-2007	269 758 400	246 890 000
Assessment for 2006	134 879 200	123 445 000
Of which:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2006	67 439 600	61 722 500
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2006	67 439 600	61 722 500